REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-54 are pending. Claims 1, 3, 11, 15, 17, 29, 36, 39, 43, 45, 48, and 51 have been amended. Claim 1 has been amended to recite "creating two or more parallel threads in response to receipt of an application launch directive, wherein the application launch directive comprises an application name and an application launch argument list directly related to an instance of the application name, wherein the application launch argument list comprises two or more input argument files and is directed to the application name." Claims 43 and 48 have been similarly amended. Claims 3, 11, 17, 39, 45, and 51 have been amended to reflect the optional nature of the listed elements. Claim 15 has been amended to recite "wherein the console receives an application launch directive comprising an application name and the argument list, wherein the argument list comprises two or more input argument files and is directed to the application name." Claim 29 has been amended to recite "wherein the argument list comprises two or more input argument files and is directed to an application name." Claim 36 has been amended to recite "wherein the one or more input argument files are directed to the application to be executed."

Claims 43-54 comprise patentable subject matter under 35 U.S.C. 101

The rejection of claims 43-54 under §101 as being directed to non-statutory subject matter is hereby traversed.

The Patent and Trademark Office (PTO) asserts without any support that the "preamble claimed 'system', is software per se;" however, this is incorrect as paragraphs 28-30 and FIG. 10 of the instant specification appear to describe a computer system. Thus, claims 43 and 48 appear to recite a system which may not be "software per se" contrary to the PTO's assertion. In accordance with 35 U.S.C. 112, sixth paragraph, "[a]n element in a claim for a combination may be expressed as a means . . . without the recital of structure, material, or acts in support thereof" which the present claims appear to satisfy. Further, this same section continues stating that "such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof" and thus, the instant claims appear to cover the described corresponding structure, material, or acts. For at least this reason, withdrawal of the rejection is respectfully requested.

Further, the PTO asserts that the 'means' limitations of claims 43 and 48 "are described as being software in the specification." This is incorrect. Nowhere does the specification appear to describe the various means limitations as being software. For at least this additional reason, withdrawal of the rejection is respectfully requested.

Claims 44-47 and 49-54 depend, inter alia, from claims 43 and 48 and comprise patentable subject matter for at least the reasons advanced above with respect to claims 43 and 48 and the rejection should be withdrawn.

Claims 1-54 are not indefinite under 35 U.S.C. 112, second paragraph

The rejection of claims 1-54 under 35 U.S.C. 112, second paragraph, as being indefinite is hereby traversed.

The rejection of claims 1-54 under 35 U.S.C. 112, second paragraph, as being indefinite due to the use of the various terms "receiving," "identifying," "determining the maximum quantity," "collecting," and "candidate for enhancement" is hereby traversed. Compliance with 35 U.S.C. 112, second paragraph, involves a determination of whether the claim apprises one of ordinary skill in the art of the claim scope, i.e., whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Each of the various terms recited by the PTO are believed to be described more fully in the context of the present specification in the light of which the claims are to be interpreted. For at least this reason, withdrawal of the rejection is respectfully requested.

Further, Applicant submits that claims "claim" and specifications "teach." *See SRI International v. Matsushita Electric Corp. of America*, 775 F.2d 1107, 227 U.S.P.Q. 577 (Fed. Cir. 1985) ("Specifications teach. Claims claim."). For at least this reason, withdrawal of the rejection is respectfully requested.

Amended and un-amended claims 1-6, 8-34, and 36-54 are patentable over Lu

The rejection of claims 1-6, 8-34, and 36-54 under 35 U.S.C. 102(b) as being anticipated by *Lu* (US Published Patent Application 2002/0147855) is hereby traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently.

Claim 1

Amended claim 1 is believed to overcome the rejection in view of *Lu* because amended claim 1 recites "creating two or more parallel threads in response to receipt of an application launch directive, wherein the application launch directive comprises an application name and an application launch argument list directly related to an instance of the application name, wherein the application launch argument list comprises two or more input argument files and is directed to the application name" which is not found in *Lu*. Specifically, *Lu* fails to disclose or suggest an application launch directive comprising an application name and an application launch argument list directly related to an instance of the application name as claimed in amended claim 1.

The PTO asserts that paragraphs 3-8 of *Lu* teaches receiving an application launch argument list without specifying where the list is received in the identified portion of *Lu*. Applicants request clarification from the PTO as to which portion of *Lu* is believed to recite receiving an application launch argument list.

Assuming that the PTO is referring to the makefile described in relation to the make utility, the PTO is incorrect. The *Lu* makefile appears to be a single input argument file with respect to the make utility and not the claimed two or more input argument files. For at least this reason, withdrawal of the rejection is respectfully requested.

Further, the PTO asserts that paragraph 32 of *Lu* teaches creating two or more parallel threads when there are two or more input argument files. This is incorrect. As described above, *Lu* appears to describe only one input argument file, i.e., the makefile, and not two or more input argument files as claimed.

Further still, *Lu* fails to disclose or suggest receipt of an application launch directive comprising an application name and an application launch argument list directly related to an instance of the application name as claimed in amended claim 1.

Claims 2-6 depend, either directly or indirectly, from claim 1, include further limitations, and are patentable over *Lu* for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-6 should be withdrawn.

Claims 15, 29, 36, 43, and 48 are patentable over *Lu* for at least reasons similar to those advanced above with respect to claim 1 and withdrawal of the rejection is respectfully requested.

Claims 16-21, 30-34, 37-42, 44-47, and 49-54 depend, either directly or indirectly, from claims 15, 29, 36, 43, and 48, include further features, and are patentable over *Lu* for at least the reasons advanced above with respect to claims 15, 29, 36, 43, and 48. The rejection of claims 16-21, 30-34, 37-42, 44-47, and 49-54 should be withdrawn.

Claim 8

The PTO asserts that *Lu* teaches "determining if the application launch directive specifies an application that is a candidate for enhancement" at paragraph 26, lines 4-7. This is incorrect. The PTO-identified portion of *Lu*, reproduced herein for ease of reference, states:

Embodiments may first identify one or more targets (i.e., object files) which are candidates for parallel compilation ("parallelization").

Lu at paragraph 26, lines 4-7.

The PTO-identified portion of *Lu* describes identifying which object files may be compiled in parallel fashion and not determining whether the object files may be a candidate for enhancement as claimed in claim 8. For at least this reason, withdrawal of the rejection is respectfully requested.

Further, the PTO-identified portion of *Lu* fails to disclose or suggest an application launch argument list, as set forth above with respect to claim 1. For at least this additional reason, withdrawal of the rejection is respectfully requested.

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For at least each of the above reasons, claim 8 is patentable over *Lu* and the rejection is respectfully requested to be withdrawn.

Claims 9-14 depend, either directly or indirectly, from claim 8, include further limitations, and are patentable over *Lu* for at least the reasons advanced above with respect to claim 8. The rejection of claims 9-14 should be withdrawn.

Claim 22 is patentable over *Lu* for at least reasons similar to those advanced above with respect to claim 8 and withdrawal of the rejection is respectfully requested.

Claims 23-28 depend, either directly or indirectly, from claim 22, include further limitations, and are patentable over *Lu* for at least the reasons advanced above with respect to claim 8. The rejection of claims 23-28 should be withdrawn.

Claims 7 and 35 are not obvious over *Lu* in view of *Landman et al.* (U.S. 7,249,357)

The rejection of claims 7 and 35 under 35 U.S.C. 103(a) as being unpatentable over *Lu* in view of *Landman* is hereby traversed in view of the foregoing amendments and remarks with respect to claim 1.

The PTO admits that *Lu* fails to disclose collecting output from a parallel thread and organizing the output from the parallel thread according to the order of input file arguments included in the application launch argument list.

Landman fails to cure the above-identified deficiencies of *Lu* and for at least each of the reasons set forth above with respect to claim 1 the rejection is respectfully requested to be withdrawn.

Further, the PTO has failed to set forth an articulated reasonable rationale for the combination of *Lu* and *Landman*. The PTO asserts that the modification would have been obvious in order to be able to keep track of input output data and execution. The PTO's asserted rationale appears to be improperly relying on hindsight based on Applicant's claimed subject matter. Additionally, the PTO appears to assert that it would have been obvious to organize the output in order of input in order to be able to organize the input and output data, i.e., to

paraphrase the PTO's assertion at page 11 of the present Official Action. For at least this reason, withdrawal of the rejection is respectfully requested.

Conclusion

   All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

   To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

          Respectfully submitted,

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